

REMARKS

Applicants respectfully request reconsideration of the present U.S. Patent application.

Claims 29-31 have been added, claims 25-28 have been cancelled, and no claims have been amended. New claims 29-31 are supported by the specification, e.g., on page 20 line 8 through page 28 line 16. Applicants submit, therefore, that no new matter has been added. Thus, claims 1-24 and 29-31 are pending.

DRAWINGS

In the Office Action, the drawings were objected to in light of cited informalities. In response, Applicants have amended FIG. 2 and FIG. 6. Applicants have attached a request to approve drawing changes to this response. The request to approve drawing changes includes two copies of FIG. 2 and FIG. 6 with the changes marked in red ink. Applicants respectfully request acceptance of these amended figures. No new matter has been added.

SPECIFICATION

The Office Action requested that the patent application numbers referenced on page 1 of the Specification be updated. In response, Applicants have amended the Specification so that the referenced patent application numbers are provided. Therefore, Applicants respectfully request that the objection to the Specification be withdrawn.

REJECTIONS UNDER 35 U.S.C. § 103(a)

Claims 1, 2, 5-17, 19, 20, 22, and 24-27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,286,038 B1 issued to Reichmeyer, et al. (*Reichmeyer*) in view of U.S. Patent No. 6,363,422 issued to Hunter, et al. (*Hunter*). Claims 25-27 have been

cancelled and, thus, the rejections, with respect to those claims, are moot. For at least the reasons set forth below, Applicants submit that claims 1, 2, 5-17, 19, 20, 22, and 24 are not rendered obvious in view of *Reichmeyer* and *Hunter*.

The Manual of Patent Examining Procedure (“MPEP”), in § 706.02(j), states:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must be both found in the prior art and not based on applicant’s disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

(Emphasis added). Thus, the MPEP and applicable case law require that a combination of references teach or suggest all of the claim limitations of rejected claims to sustain an obviousness rejection under 35 U.S.C. § 103.

Claim 1 recites:

dynamically obtaining configuration data from a remote alert proxy using the at least one obtained alert detection and management parameter...

(Emphasis added). Claims 19 and 22 similarly recite obtaining “configuration data from a remote alert proxy.” Claim 11 recites an alert proxy “receiving ... a configuration data request.”

The Office Action directs the Applicants’ attention to column 6, lines 7-13 and column 4, lines 38-43, wherein *Reichmeyer* states:

Upon boot of a network device or when triggered by a system administrator, a DHCP client transmits a DHCP discover message 112 on each of its interfaces. The DHCP server 52, in response to the receipt of discover messages 112, may function to direct a network device to a configuration file based on the identifier supplied within a discover message.

In a further embodiment, the configuration parameters returned to the client 10 from the server 14 may include the location of a configuration file.

Upon receipt of information indicating this location, a client 10 may initiate an automatic file transfer operation to retrieve the configuration file.

The Office Action argues that the cited passages teach a means for dynamically obtaining configuration data from a remote alert proxy using the at least one obtained management parameter. See Office Action, page 3, para. 6. The Applicants respectfully disagree.

The cited passages of *Reichmeyer* merely disclose a network device that uses a Dynamic Host Configuration Protocol (DHCP) compliant message to locate a configuration file. An **alert proxy** or its equivalent is not discussed at all and, specifically, obtaining configuration data from a remote alert proxy using the at least one obtained alert detection and management parameter is not disclosed by the cited passages. Therefore, Applicants find nothing in the cited passages of *Reichmeyer* that disclose “dynamically obtaining configuration data from a remote **alert proxy** using the at least one obtained alert detection and management parameter,” as recited in claim 1.

The Office Action argues that *Hunter* teaches a means for dynamically obtaining at least one alert detection parameter from a first server. Whether or not *Hunter* teaches a means for dynamically obtaining at least one alert detection parameter from a first server, it does not teach or suggest an **alert proxy** as claimed by Applicants. An alert proxy is used to transform device-specific alert data into plain text explanations of the event. See, e.g., Specification page 9, lines 9-11. The alert proxy is also capable of translating command data received from a management application into specific client-based hardware control data. See, e.g., Specification page 26, lines 20-22. The cited passages of *Hunter* do not disclose either of these features. *Hunter*, therefore, cannot cure the deficiencies of *Reichmeyer*.

As shown above, neither *Reichmeyer* nor *Hunter* teaches or suggests an **alert proxy**. Thus, no combination of *Reichmeyer* with *Hunter* teaches or suggests an alert proxy. For at least the reason that neither reference, alone or in combination, teaches or suggests an alert proxy,

Applicants respectfully submit that no combination of *Reichmeyer* with *Hunter* renders claims 1, 11, 19, and 22 obvious.

Claims 2 and 5-10 depend from claim 1. Claims 12-17 depend from claim 11. Claim 20 depends from claim 19. For at least the reason that dependent claims include the limitations of the claims from which they depend, Applicants submit that claims 2, 5-10, 12-17, and 20 are not rendered obvious by *Reichmeyer* and *Hunter*.

Dependent claims 3-4, 18, 21, and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Reichmeyer* in view of *Hunter*, and in further view of U.S. Patent No. 6,353,854 B1 issued to Cromer, et. al. (*Cromer*). Claims 3-4 depend from claim 1. Claim 18 depends from claim 11. Claim 21 depends from claim 19. Claim 23 depends from claim 22. Applicants have cancelled claim 28 and, thus, the rejection of claim 28 is moot. As shown above, claims 1, 11, 19, and 22 recite an **alert proxy**.

*Cromer* is cited to teach a means for enabling a client device to detect alerts while the device is in a reduced functional state. Whether or not *Cromer* discloses a means for enabling a client device to detect alerts while the device is in a reduced functional state, it does not teach or suggest an “obtaining configuration data from a remote **alert proxy**,” as recited in claims 1, 19, and 22 or an **alert proxy** “receiving … a configuration data request,” as recited in claim 11. Thus Applicants respectfully submit that no combination of *Reichmeyer*, *Hunter*, and *Cromer* renders claims 3-4, 18, 21, and 23 obvious.

CONCLUSION

For at least the foregoing reasons, Applicants submit that the rejections have been overcome. Therefore, claims 1-24 and 29-31 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,  
**BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP**

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MARKED VERSION OF THE AMENDED SPECIFICATION PARAGRAPH

Please amend the Specification as follows:

On page 1, please replace the paragraph starting on line 4 and ending on line 9 with:

This nonprovisional patent application is related to contemporaneously filed nonprovisional patent application number [<42390.P7091>] 09/410,483 entitled "PLATFORM INDEPENDENT ALERT DETECTION AND MANAGEMENT", and contemporaneously filed nonprovisional patent application number [<42390.P7090>] 09/411,407 entitled "METHOD AND APPARATUS FOR PERFORMING NETWORK-BASED CONTROL FUNCTIONS ON AN ALERT-ENABLED MANAGED CLIENT".